

R E L I E F
O F
APPRENTICES
Wronged by their
M A S T E R S.
H O W

By our Law it may effectually be given and obtain'd, without any special New Act of Parliament for that purpose.

With Allowance.

L O N D O N:

Printed by H. Clark, near St. Pauls Wharf,
in Thames street, 1687.

ЧИТАЮ
НОВЫЙ
ВОЛЖСКИЙ

ЧИТАЮ ВОЛЖСКИЙ

TO THE

Right Honourable George Lord Jeffries,
Baron of Wem, Lord High Chancellor
of England, and one of His Majesties
most Honourable Privy Council,

Sir Robert Wright, Lord Chief Justice of
the Kings Bench,

And the rest of the Honourable Judges.

May it please your Lordships,

THE enclosed Paper is designed to de-
tect the True, but Latent Causes and
Occasions of a great Abuse very com-
mon and notorious in this City of London,
and of very pernicious consequence throughout
the whole Kingdom ; to shew the Iniquity and
Unreasonableness of certain false Principles and
Opinions which support it ; and for a check
to the Abuse and Encouragement to such as

need Relief, to shew how by our Laws effectual Remedy may be given without any special New Act of Parliament. For the Abuse is such, and so common and notorious, that divers Parliament-men have thought it worthy of a special Act of Parliament to restrain it. But if effectual Remedy may be had without it, it is presum'd, that that will be more Honourable for our *Laws*, and therefore that the tender of it to the consideration of your Lordships will be no ungrateful Service. It is also hoped, that the Approbation of it by your Lordships Authority, will not only give Life to the Remedy herein mentioned, but even of it self, give great Check to such Abuses.

~~Apprenticeship rights or obligations, which if broken
against will be liable to pay damages.~~

~~Under Statute made by the Parliament of England
at London on 24 June 1601 laying very strict laws against
such apprentices as evildoers of their masters, and such to be subject~~

R E L I E F O F APPRENTICES Wronged by their M A S T E R S.

H O W

By our Law it may effectually be given and obtain'd, without any special new Act of Parliament for that purpose.

IT is certain, and generally known to most men acquainted with the Occurrences in this City of London, that of those Youths who are daily put Apprentices here, a very great number do miscarry, and never come to exercise the Trades to which they were put: And of those, though many miscarry through their own fault, yet that very many do miscarry either through the Carelessness and Negligence, or the Harshness and unreasonable Severity, or (which too often happens) through the ill Designs and Practices of their Masters.

This is so common and notorious, that there is no part of the Nation which hath not many examples of such unhappy youngmen, who might have been very useful in their Generation, but by these means are driven either into ill Courses, or become altogether

useless to the Publick, and a burden to their Relations.

And therefore, since the best and wisest even of Heathen States have been usually very provident for the Education of their Youth, it might be thought a very great defect in us if we should be destitute of sufficient Remedy, for so notorious an Abuse, in a matter of so great moment.

But I'm of opinion, that, if the matter be well consider'd, neither are our Legislators, nor our Laws already constituted, to be blam'd in this respect. Not our *Legislators*; For Abuses will, like evil Weeds, be alwaies growing up even in the best constituted States: And it will be some time ever they be observ'd; And it will again, after they are observ'd, require some time to find out and settle a proper Remedy for them. And for those Abuses whereof I speak, they have not, certainly, been of any long time practis'd, or however not so notoriously and commonly, but have by degrees grown more frequent and notorious, as the Rates which men have given with Apprentices, have been raised; which are now (within these twenty years last past, or little more) risen to that height, that may well prove a Temptation to men who are continually employ'd in Busines for Gain, and are not punctually and resolutely Honest. And therefore, it is no wonder if now, more than heretofore, in so great a City, there be many men noted to have had many Apprentices, but never any that came to any thing in their Trade; and are reasonably enough suspected to make a kind of Trade of it, to take great Summs of Money with Apprentices, and in a year or two, or some short time, upon some pretence or other, to turn them off with little, and take others again with great Summs in their places: and that divers ill arts and practices have been observ'd to have been us'd by such persons to bring their Designs about, and worse to put some colour upon their dealings when they have been question'd for the same: For Credit and Reputation is of so great importance to a Trader, that he who makes light of the Ruin of a man, is not likely to make scruple of the use of any means, though never so vile and wicked, to save that which is of so great concern to him.

But these things, I am inform'd, have been some years since observ'd and taken into consideration, in order to the providing of a Remedy, by divers worthy Members of Parliament, though nothing yet, by reason of various occurrences intervening, hath been offer'd to the House. But that which I am inform'd, was thought

thought by some the most effectual Remedy, was by a short Act of Parliament, to make all Bonds void which should be given for the Fidelity of Apprentices.

This I confess, might seem an effectual means to make the Master more careful of them. And it is an Argument, that those Gentlemen were very sensible of the notoriousness of the Abuse, who could think so severe a Remedy necessary. But I cannot approve it: For, 1. I think it not so effectual a means for the end intended, as is presumed: For a Master who had a Design upon his Apprentice, might notwithstanding leave him liberty enough to do those things, from which he might take a pretence to turn him off and disappoint him of his Trade, and yet be a sufficient Gainer out of the Money he had received. 2. it is a restraint of a reasonable and necessary Security; and though it might be reasonable, could it be applied only to ill Men; yet forasmuch as it would be equally inconvenient and grievous to the most innocent and honest Masters, as to the worst of all, I think it unreasonable. 3. It would be apt to put honest and good Men upon almost the like Rigor and Severity, for their own Security, which is supposed to be practiced by ill Men for their Advantage. 4. It seems to me to be attended with no less Inconvenience to the Publick, than that which is designed to be remedied by it: For the Consequence would be, that, neither would Masters know how to take Apprentices; nor would others be able to get Places and Employments for their Children, without great difficulty and trouble.

And besides all this, I think it needless: For I am of opinion, (with submission to better Judgments) that in this, as in divers other Cases, our Laws are not so defective, as some Men otherwise of Wit and Parts enough, but not sufficiently acquainted with them, do imagine; and that there is no great need to encrease the bulk of our Statues, (which is grown very large already) by a new Law for this Purpose. For I take it that our Courts of Justice have power and Authority already sufficient, (and we ought not to suspect them to be unwilling to use it upon so just and necessary occasion) to give Remedy in this case, if the Occasions and Encouragements to such Abuses be well considered. And the principal Encouragements, I take to be from the great Discouragements Men commonly meet with, in seeking Relief: And these again, if we trace them to their Seat, will be found to proceed

proceed partly from certain false and *mistaken Principles or Opinions*, which like many Customs, have insensibly crept in, and are generally received among the Citizens; whereby Men, whose honesty and sincerity otherwise I do not in the least question, are ordinarily imposed upon and misled in their Judgments and Verdicts; and partly from the great Disadvantage many Men are under for the prosecuting of any Suit in such case, by reason of the distance of their Habitations from this City.

1. Of these mistaken Principles, one is, *That the Master for an apparent Fault in his Apprentice, especially if he be found to have wronged him in his Money or Goods, shew to be the value of twenty Shillings, or some such small sum, may turn him away, and that there is no remedy.* This I know to be a common received Opinion, even with understanding and very honest and worthy Citizens, and such as do neither practice it themselves, nor approve it in others: Yet they think if a Man will be so severe and merciless as to ruine a young-man for such a matter, he may do it without remedy.

It is certainly contrary to Natural Equity and Justice, ~~and~~ only to the Laws of Christianity, but even of Humanity. For the consequence thereof to the Young-man, is rarely less than his Ruine, at least the loss of his Trade; and that such perhaps (as it often happens) for which he might have had those Advantages, which he could not have for any other: But usually it is a disappointment of all: For having served in one Trade till he be too old to be put to another, and being turn'd away by his Master, it is rare that another of the same Trade especially will take him, so that he becomes thereby disappointed of all. Now should we look upon this under the Notion of *Punishment*, it is very Unreasonable, for Punishments ought to bear some proportion to the Fault, especially such as are not Publick. But here is no proportion between them. Besides the Circumstances of the Person ought, to be considered: They are not men of Age and Experience in the World, but young raw Youths, who are put Apprentices. There ought also to be considered the special Obligations upon the Master, which aggravate the matter, of which more presently. Or should we look upon it as necessary for the Masters Security; that indeed might seem reasonable, had the master no Security. But when the master hath a special Security to Indemnifie him, that cannot be necessary, nor excusable: And the very demand and accept-

ance by the master of that Security, is an Evidence, that upon that Security, he ought to continue to train up his Apprentice in his Trade. And to come to those special Obligations of the Master. 1. In the very agreement there is a tacit Trust and Confidence of kindness to and care of the Apprentice reposed in the Master by the Parent or Relations; and undertaken by the Master in consideration of a good sum of money, so that the Master doth in many respects succeed in the Place and care of the Parent or Relation who placed the Apprentice with him, whereby he is under a special Obligation to them. 2. And with the Apprentice he enters into express Covenants by Indenture, and those not Conditional, but Absolute, so that a Breach by one Party, doth not dissolve the Obligation of the other, not in Natural Justice, no more than it doth by our Positive Laws, as is well known to such as understand them, that it doth not, but only obligeth to a proportional Satisfaction. And though this doth abundantly shew the iniquity of it, yet we may further add, that there is no Considerate man, but if he percieve in the Master so great a Prejudice against the Apprentice whom he placed with him, that he would otherwise Turn him away, or did but suspect he would not shew him that Kindness or Justice in respect of his Trade which he ought to do, would of his own accord seek out for another Place for him, and then upon any reasonable terms come to a fair conclusion with the master to take him away. Therefore when notwithstanding this, the Master who hath good Security to Indemnifie him, will proceed to that Severity, it is *A strong presumption of some ill design in him, either to get the money, or a good part thereof, or to disappoint the Apprentice of his future Trade, lest it should prove a detriment to his own.* And for the most part in such Cases, other circumstances in the manner of doing it occur, from which an observant man may satisfie himself, though he may not have Proof enough of the circumstances to satisfie a Jury.

And now, should we examine this by the excellent Laws of Christianity, which doth so highly confirm, improve and enforce all the Laws of natural Justice and Equity; that plain Law of Justice, *Doing as we would be done to,* that great Law of Charity to all men, and that generous Law of Indulgence and remitting Injuries, and *Doing good even to Enemies;* what can we really judge of such Men,

Men, but that they who can so easily cast off the very Laws of natural Justice and Humanity, cannot, possibly retain any thing of Christianity in reality, but only an external profession thereof in compliance and conformity to the Modes and Customs of their Countrey?

II. Another of these mistaken Principles is, *that upon an Action brought for just damage, greater Damages are not to be recovered than the Money pay'd upon the Apprentice.* And this also I know to be a common received Opinion, and even with very Honest and Worthy Citizens. I have known them who have been so far from acting upon these Principles, that being wronged in considerable matters by Apprentices, have not only been contented with a moderate Satisfaction for the Wrong, but moreover have become Intercessors for them with their provoked, angry and severe Parents, and in meer Consideration for the Youths, who must otherwise have been Undone, retained them in their Service; (Which Moderation and Charity hath been well requited by the Fidelity and Industry of the same Apprentices afterwards) yet were strongly possest with these Opinions, not as reasonable in themselves, but as what had so far prevailed in the City, that they thought it in vain for any Man to expect better, or to attempt it. And of all I have discoursed with, I have not yet met with one Citizen of another Opinion. And that this also is as inconsistent with natural Justice and Equity, as it is with our Laws, may appear by what hath been said already: For as Punishments ought to bear proportion to the Fault, so ought Reparations to the Wrong. The Wrong done in this case is the disappointment of a man of his Trade and Lively-hood. And for the Reparation, it is to be considered, that should the Master retain the money, that would so much the more encrease the Wrong, and therefore if he restore the money, he doth thereby only forbear a further Wrong, but makes no Reparation for that of which I speake. Besides there is no just proportion between the Money given with the Apprentice and the Trade. And therefore did the Master instead of restoring what he had received, give as much of his own, it might not be an equal Recompence for the Wrong, which may be greater than five or ten times so much. The very disappointment of his Trade might be such: But there might besides be some especial Circumstances in it very considerable; on the part

of the Apprentice, some especial Advantages for that Trade, which is a thing which men in choice of Trades for Apprentices have often a respect to: On the Masters part an ill design to disappoint him of it. For it hath been a known Practice of ill Masters when they have found that their Apprentices if they should set up, were likely to carry away or intercept some part of that Trade, which they already had or expected, to use divers Stratagems and Policies to disappoint them thereof. And the greater the Advantages the Apprentice might have for his Trade, the greater the temptation to the Master to disappoint him of it. And though a young Lad through inconsideration and imprudence by a small Fault, might give his Master an advantage against him, yet it might be but what the Master did by at Catch for to compass what he design'd. And in such cases, besides the private Wrong to the Apprentice, ought also to be taken into Consideration, the publick mischief of Encouragement to such Abuses, by ill Example and Impunity.

And yet there is another of these false Principles, which goes further, and yet is generally received; which I should think very Strange and Incredible, did I not find it so; and consider the great power and prevalance of Opinions taken up and embrac'd without due Examination, and how common it is for men to do so. For they think it very reasonable out of the money received, and to be restored, to make an *Allowance for Lodging and Diet*. But how unreasonable this is, to repeat nothing of what hath been said before, may appear upon these further Considerations: First, the Master hath the use and benefit of the money all the while, which in many Trades, where the maintenance is usually the best, is very considerable, 80 or 100*l.* and in some 200, 300, 400 and 500*l.* (for to such Rates are some now come:) And though money may be had for Six *per cent* and under, upon good Security, yet Trades-men could not do as they do, if they did not make at least 20 *per cent* in the way of Trade, or by frequent returns in the Year; and to take it up at Interest, is not for their Credit, which is a tender thing and of great Concernment to a Trader. Again the Employment of the Apprentice for the first Years is usually but of little Advantage to himself; and if it were more, is all lost by his disappointment of his Trade; but from first to last of considerable use and benefit, and every day more and more to the Master.

There

There are few Understanding Trades-men but know how to employ one fit to be put Apprentice in such things as would cost them more than the Maintinance of their Apprentice to hire another to do. An ordinary Servant hath usually his Maintinance and good Wages besides, for less Business, and Pains, than the Apprentice, (and he perhaps a Gentleman's Son, and with whom the Master hath a good summe of money) is employable in. The very going to carry out and bring home Wares and Commodities, to receive money and dispatch other business, the heaving and lifting of Goods and divers other things, are such as of necessity must be done, and could not otherwise be done at so cheap a rate. And if it be well look'd into, I believe there will appear more reason for some remedy to correct the abuses of ill Masters, in the unemployement of their Apprentices in things not answering the end of their being put Apprentice, than for any allowance for their Maintinance.

But it is farther to be considered in this case, that the Masters ordinarily contract two several Obligations; One with the Parent, Relation, or Friend of the Apprentice, in consideration of the Money by him given; the other, with the Apprentice himself by Indenture; and both these absolute, after the Money paid, and the Indentures executed; and in this case both are to be satisfied. And certainly, if that to the Apprentice, who committed the first fault, then much more that to the Friend, who is without fault. And if that must be proportionable to the Obligation, as it ought to be, for *Justice* and *Equity* are words taken from the mutual proportions of Material things, and applied to Moral Actions, then can it not be less than the whole Money, and the Interest, and the Expence the Party is put to for the recovery thereof. Besides, the Publick is to be considered in the case; For it is of great importance to the Publickweal, that Justice be duly administris'd; but to allow the Master any part of this Money, would be to let him take advantage of his own wrong; for his advantage by the disappointment of his Apprentice, might be much more than all the Money: And besides, it would be in effect to give Impunity, and thereby great Encouragement to an Abuse, and to establish Iniquity by a Law.

IV. And as unreasonable as this is, yet some have the conscience to pretend and alledge *The future benefit they might have by their Apprentices*, as a reasonable consideration why they should not make any

earn of the Money. And it seems this is not only the opinion of Trades-men, but also of some Attorneys or Solicitors, and even of Council too about the City. I have seen an Answer in Chancery upon Oath and with Counsels hands to it (as is usual) by a Citizen, who received near 100*l.* with an Apprentice and very obstinately put him away, wherein is alledged to this purpose, That the Apprentice was capable of doing him good Service, and he would not have taken 200*l.* for his Time and future Service. I have also known a Citizen who received no less than 400*l.* with an Apprentice, who as the Citizen himself confess'd to me, did his Business exceeding well, but by ill Company, (and some of the Citizens own Family) was inveagled to run out a good part of a fair Portion, and after all Accounts cleared, this Man had the Conscience upon such pretences as these, to retain no less than 200*l.* of that money. Which the Young-mans Friends chose rather to yield to, and accept of what they could get, than to hazard the Expence of much of the rest in a troublesome Suit under such discouragements as these I have mentioned. And upon this occasion I cannot but take notice of *Another unreasonable Practice*, which the same Person to excuse himself, pretended to be no more than Usual. He charges his Apprentice with the keeping of his Cash, and yet orders him to leave his Keys when he goes abroad upon his business; and yet again requires him to make a strict account, and to make up of his own, what is wanting. How such Men can satisfie their Consciences in such things, I cannot understand. But this by the by.

The same Opinion I have heard maintain'd by others, who had not any particular concern in any such case, but only general, as Citizens and Trades-men. So strangely are many Men in this vicious and corrupt Age, blinded with prejudice, in what is, or may be, their own concern, that one would think they had not only extinguish'd all sense of Religion, but moreover put off, not only the Moral, but even Racial part, as to these things, of Humanity also. Were it not so, could such Men have such hard and inhumane hearts, as not to be affected with the Ruine of a Man in their own Family, or to have no Charity or Pity for the misfortune of one committed to their care, or to have no Compassion for the trouble and affliction it must be to the Relations and Friends, who had dealt with them, and that upon great trust and confidence; yet it might be expected, that, if not out of a natural

ral Generosity, at least out of regard to their own Credit and Reputation, they should restore the whole Money without trouble.

But instead of that, we often find the quite contrary in such Men, who being better able to tell their story than the poor young Lad, make it their first busines to raise as great prejudice against him in his Parents and Friends as may be, and having gotten the advantage of an apparent fault, think they must needs be believed in whatever other fine probable stories they can contrive; and with passionate or easie Men they often do their busines by this means, without more of do. Or if that will not so easily pass, they will be so very fair, as to offer a Reference to two Citizens, whereof one, who must be of their own choosing, to be sure shall be such as will do nothing but according to his private Instructions, or however according to the false Principles before mentioned, and can with more confidence urge thole things in another's behalf, than perhaps he could in his own; and the other (if a Man who lives in the Countrey, and hath little to do with Traders, as it often happens, can, among his small acquaintance, meet with one to act for him,) if he be not strongly prepossessed with these false principles, yet his own experience can satisfie both himself and his Friend, that it is much better to yield to unreasonable terms, than make use of a Remedy worse than the Disease. So besur the Master comes off with good advantage that way, and with Credit too, as he thinks, for being so fair as to refer what he had already in his hands. But if he chance to meet with one, who easily sees through these little tricks and policies, and will not so be put off, then as the temptation becomes double upon him, (for now his Reputation also is like to be concern'd,) so nothing will be stuck at, which may serve either to represent the Apprentice as ill as may be, or to cause delay, and make the Proceedings tedious and tiresome to one whose abode and business lies perhaps far remote from the City, or in the end to baffle the Cause.

The other Encouragement which is taken for these Abuses, is from the great Disadvantage Men who live remote from the City are under in the prosecution of their Remedy; for their Expence in coming hither, and lying here for that purpose, and their Loss by neglect of their busines at home, and the Charges of the Suit, besides their vexation and trouble, is usually as much or more than they recover. Whereas a Citizen is at home all the while, is but little hindred in his business, and at no Expence more than for the

the bare proceedings at the Law, unless it be such as he will not be willing to own. And this ought also to be taken into consideration in the giving Relief, that such Abuses may have as little encouragement upon this occasion as may be.

Now the *REMEDY* which I conceive is already in the power of our Courts of Justice to give, is, that an Action being brought by the Apprentice upon his Indenture, and laid not in *London*, but in *Middlesex*, or some other convenient County, if it come to Tryal, that upon motion, a special Jury (if in *Middlesex*) be granted, of such as are not Traders, or take no Apprentices; or if it come to an Enquiry of damages, that that be done by such a Jury, and before a Judge, in their Sittings upon *Middlesex* causes, or in the Circuit.

And this is a Remedy which hath these Qualifications to recommend it. 1. It is I conceive, already in the power of our Judges to grant it. 2. It is for the Honour of our Laws, and a considerable Instance that they are not so defective for the Administration of Justice as many Men imagine. 3. It is a just and reasonable Remedy, restraining the Abuses of all men, without putting any inconvenience upon good and honest Men. 4. It is very necessary, for the Abuses of this kind, are grown very common and notorious. 5. It is very likely to be Effectual, it is accommodate to take away the very occasion and encouragements of them. 6. And yet is no more than necessary: For what Justice can be expected from Men generally under such Prejudices, as these? And though the Jury be properly Judges of the matter of Fact, yet for the *Under-Sheriff*, who returns the Jury, and returns whom he pleaseth to exercise the part of a Judge in summing up the Evidence and directing the same Jury which he himself hath returned, is more than the Judges themselves do, a thing subject to much Corruption and Abuse, and doth well deserve to be taken into consideration for a Remedy. Besides, there doth many times arise matter of Law upon the Evidence, which could not be foreseen. And the great difference of the Counsel which may be retained on the one side and on the other, whereby many times a good Cause may be run down, doth often require a more considerable Judge than an *Under-Sheriff*, to direct the Jury, and prevent their being misled.

It remains now only to give a brief Relation of what hath been done, in order to the putting of this Remedy in practice, and with what Success. And this I had done, and therewith given

given some further proof of some of the matters before mentioned. But upon further consideration, thought fit to postpone it at present, and defer it to another time, intending to do it then more largely if there be occasion, and if the success of this doth not make that labour needless.

Postscript to the Citizens.

Should any one upon perusal of this Paper, suppose the Author no Friend to the City, he would be so far mistaken, that from the same master from whence he supposeth that, the contrary may be demonstrated, and that by several Reasons.

1. The wickedness of such an Abuse, considered with such Circumstances as usually accompany it, is plainly of the most heinous degree next to Murder, far more heinous than Pickling of Pockets, Theft, or Robbery: For though it doth not deprive the Person immediately, it doth often totally ruin his well-being, and the Families that might have proceeded from him, and not seldom occasions the suicide of his Person. And as such Crimes do usually provoke the Judgments of God upon such particular Persons as are guilty of them; so when they become publick Sins, which may be by commonness, Concourse, and Impunity; they involve the whole Community in the Guilt, and provoke common Calamities. And if it be no small Kindness to endeavour to remove and avert such Mischiefs. The Remedy proposed is so moderate, reasonable, and practicable, that it hath been shewn by some very considerable Persons more mild to such a cure, and deserve. And the severity of the punishment, if it be not neglected, it may prevent others more severe. It is therefore much wished that it may be added unto due consideration, and that the said Citizens in their several places use all endeavours to correct and extirpate these Abuses, and thereby avert the Judgments of God, or however extricate themselves out of the common Guilt, and make a more severe Remedy needless.